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Intergovernmental working group of experts
on human rights of migrants
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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply from the Government of Honduras
dated 5 June 1998

GE.98-13170 (E)

QUESTIONNAIRE ON THE HUMAN RIGHTS OF MIGRANTS

1. Latest figures or estimates for:

(a) Total population, including non-nationals of Honduras, by nationality of origin.

The population of Honduras in 1997 was 5,754,512, plus 51,037 non-Honduran residents.

(b) Number of nationals abroad.

The Directorate-General of Population and Migration Policy does not at present keep records of nationals resident abroad. However, in respect of population, there are plans to set up a programme to establish how many nationals have settled abroad, in order to check on their migrant status and living conditions and to pass information between them and their families.

(c) Non-nationals having authorization to work in the country.

All non-nationals legally resident in the country are authorized to work, in accordance with their category of residence and provided that the specific activity is authorized in the residence permit issued by the Department of Government and Justice.

(d) Estimates of irregular migrants by country of origin.

It is not possible to provide estimates of irregular migrants owing to a lack of information.

2. Measures being taken to strengthen the promotion, protection and implementation of the human rights of migrants.

(a) Legal measures.

The Constitution of Honduras states, in article 59, that "the human person is the paramount goal of society and the State. All have the obligation to respect and protect it. The dignity of the human being is inviolable"; and, in article 60, that "all men are born free and endowed with equal rights. There are no privileged classes in Honduras. All Hondurans are equal before the law. Any discrimination by reason of sex, race, class or any other consideration contrary to human dignity is punishable."

Honduras was the first country in the Central American region to designate the offence of trafficking in migrants, and the penalty for traffickers is between five and nine years' imprisonment; the penalty is increased by between one third and two thirds if those committing the offence are public officials or employees and if the "passive" subjects are deprived of their liberty abroad, or are the victims of crime, or in the event of their death, even accidental death (Decree No. 120-94, of 30 August 1994).

In the framework of the regional project of the Central American Organization for Migration (OCAM) entitled "Migration Instruments for the Integration of Central America" (PROCAM), a proposal has been drafted for a

set of migration policies and another for a migration code. These are at the discussion stage in Honduras, but may be expected to form the basis of new, modern domestic legislation on the subject in the near future. Both documents contain clear, precise policies and standards for the protection and implementation of migrants' human rights.

(b) Promotion and protection of the human rights of migrants.

The worthy efforts of non-governmental organizations on behalf of migrants represent a laudable exercise in cooperation with the Government, and Honduras acknowledges the value of their work. At various times and in various ways it has let them know how valuable their presence is, in both material and moral terms, and that they should continue to work for the good of those who are obliged to travel far from home and are in need of support.

With the help of various organizations and national institutions, such as the pastoral-social Caritas, the Office of the National Commissioner for Human Rights in Honduras, the Directorate-General of Population and Migration Policy, the Centre for Promotion and Research into Human Rights in Honduras (CIPRODEH) and a National Association of Non-Governmental Organizations of Honduras (ASONOG), a National Forum on Migration in Honduras (FONAMIH) was organized recently, with the aim of coordinating efforts in support of migration processes and making the most appropriate contribution to solving the problems of migration in the region.

FONAMIH arose as a response to the policies, statements and agreements that emerged from regional forums on migration, at which the Governments of participating countries acknowledged that the origins, forms and consequences of migration are matters of the highest relevance for the international community's agenda.

(c) Implementation of the human rights of migrants.

As mentioned above, the number of non-nationals resident in Honduras is currently 51,037, and they come from 115 countries. They are given the same treatment as nationals; they have the same rights, with the exception of a few reserved under the Constitution for nationals, such as the right to vote and the right to take part in political activities.

Honduras is a hospitable country whose borders are open to anyone wishing to visit it, without distinction as to race, religion, ideology, etc. Entry is conditional only on the provisions of domestic legislation and subject to bilateral or multilateral treaties or conventions with other countries, which are fully implemented and strictly observed.

3. Manifestations of racism, xenophobia and other forms of discrimination against migrants in Honduras and against Honduran nationals in other countries.

There is no discrimination of any kind in Honduras. By contrast, Honduran nationals, at any rate those living irregularly in the United States of America, are undergoing a period of severe discrimination, insofar as they

are not treated in the same way as Guatemalans, Salvadorans and Nicaraguans but are mercilessly deported in very dangerous, inhuman conditions that violate the most fundamental human rights.

The problem of deportation is not a new one but it has become a cause for greater concern since the United States enacted the Illegal Immigration Reform and Immigrant Responsibility Act in 1996.

When receiving Hondurans deported from the United States, the Directorate-General of Population and Migration Policy has noted that their forcible return has a number of damaging effects, viz:

- Deportation is carried out very rapidly;
- There is a limited right of appeal;
- Parents and children are separated, in violation of the principles of family unification;
- It is most often Hondurans who are singled out in the workplace, for no apparent reason;
- There are restrictions on medical care and education for migrants.

The new United States Immigration Act classifies irregular residence by the immigrant as an offence nearly comparable with offences that attract harsh sentences under other legislation.

Migrants are not permitted to:

- Collect their final pay cheque;
- Remove personal effects from their homes;
- Inform relatives that they have been detained and where they are being held;
- Withdraw bank savings.

They are also compelled to sign, without legal representation, a document preventing them from returning to the United States for between 3 and 10 years.

4. Steps taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and International Labour Organization (ILO) Convention No. 97.

The Ministry of Labour and Social Security is currently examining this matter. Notification of the outcome will be provided in the near future.